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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,975	04/20/2001	Mark Buonanno	CSCO-3825	4882

7590 12/24/2003

WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,975

Applicant(s)

BUONANNO ET AL.

Examiner

Igor Borissov

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 17, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph,**  
as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**As per claim 17,** it is confusing, because it claims the apparatus while referring to method steps.

**As per claims 22 and 24,** they are confusing, because they are claiming the computer-readable medium while referring to method steps.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 8-9, 11-14 and 18-21 are rejected under 35 U.S.C. 102(e) as**  
**being anticipated by Elms et al. (US 2002/0072992).**

Elms et al. teach a method and system for enabling a host to facilitate a transaction between a first party and a second party, comprising:

**As per claims 1, 11 and 18,**

locating a first party and a second party [0020];

conducting a collaboration session between the first party and the second party [0021]; [0090];

transacting a business deal between the first party and the second party, wherein the steps of locating, conducting, and transacting are performed in an integrated software communication platform within the B2B exchange [0013]; [0083]; [0084].

**As per claims 2, 12 and 19,**

automatically completing a machine-to-machine transaction once the first party and the second party criteria are met [0020]; [0027].

**As per claims 3, 13 and 20,**

manually completing a transaction between the first party and the second party through the collaboration session [0030]; [0070].

**As per claims 4, 14 and 21,**

a call center agent facilitating a transaction between the first party and the second party upon request [0030].

**As per claim 8,** said method and system, wherein the locating step includes seek-and-find technology [0020].

**As per claim 9,** said method and system, wherein the locating step includes instant messaging [0070].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 10, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al.**

**As per claims 7, 17 and 24**, Elms et al. teach said method and system, comprising the step of utilizing an agent to contact either the first party or the second party to complete a transaction when predetermined criteria for a prospective transaction is met [0030]; [0040]; [0041]; [0051].

However, Elms et al. do not specifically teach that said agent is a proactive agent.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include that said agent is a proactive agent, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either specifically mentioning that the agent is a proactive agent, or not.

**As per claim 10**, Elms et al. teach said method and system, comprising providing complete record of the correspondence between the parties and transaction signature [0065]; [0069].

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However, Elms et al. do not specifically teach that providing complete record of the correspondence includes continuous call recording.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include that providing complete record of the correspondence includes continuous call recording, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either specifically mentioning call recording step, or not.

**Claims 5-6, 15-16 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al. in view of Walker et al. (US 2002/0169626).**

**As per claims 5-6, 15-16 and 22-23,** Elms et al. teach all limitations of claims 5-6, 15-16 and 22-23, including the step of providing web meeting, instant messaging, and internet collaboration [0070], except for providing video conferencing.

Walker et al. teach a method and system for providing to a prospective customer a reference for a merchant, wherein communication between parties is enabled via video conferencing, instant messaging or e-mail [0091].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include video conferencing, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either including video conferencing, or not.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

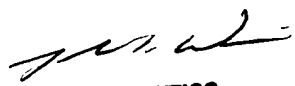
***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

  
**JOHN G. WEISS**  
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